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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

19 UNITED STATES OF AMERICA, ) No. 16-CR-038 SI  
20 Plaintiff, ) UNITED STATES' SENTENCING  
21 v. ) MEMORANDUM  
22 SHAUN VINCENT KELLEY, ) Sentencing Date: August 24, 2016  
23 Defendant. )  
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19 **I. Introduction**

20 The United States respectfully asks the Court to accept the parties' plea agreement and sentence  
21 the defendant, Shaun Vincent Kelley, to ten years of custody and five years of supervised release. This  
22 sentence is fair and appropriate for the reasons set forth below.

23 **II. Background**

24 The defendant is a United States citizen who traveled to Thailand in 2013. PSR ¶ 41. While  
25 staying in Chiang Mai, Thailand, the defendant sexually abused teenagers, including a 14-year-old boy  
26 who is identified in the indictment as Minor 1. *Id.* ¶¶ 26-38. He paid the boys the equivalent of \$9-\$30  
27 per encounter. *Id.* ¶ 43. He sometimes filmed the abuse. *Id.* ¶¶ 54-58.

28 The indictment returned by the grand jury on February 2, 2016 charged the defendant with child

1 sex tourism, in violation of 18 U.S.C. § 2423(c). After arraignment, the defendant promptly pleaded  
 2 guilty pursuant to a binding plea agreement under Federal Rule of Criminal Procedure 11(c)(1)(C). He  
 3 now appears before this Court for sentencing.

4 **III. Sentencing Recommendation**

5 The government recommends 120 months of imprisonment and 60 months of supervised release.  
 6 The defendant and the Probation Office concur in this recommendation.

7 **A. Imprisonment**

8 **1. Offense Level**

9 The parties and the Probation Office agree that the adjusted offense level is 33. PSR ¶ 76.

10 **2. Criminal History Category**

11 The government agrees with the Probation Office that the defendant is in criminal history  
 12 category I. PSR ¶ 83.

13 **3. Recommended Term of Imprisonment**

14 An offense level of 33 in criminal history category I yields an advisory sentencing range of 135  
 15 to 168 months of imprisonment. The government recommends 120 months, which is 15 months below  
 16 the low end of the advisory range but still a significant term that reflects the seriousness of this case.

17 The recommended term of imprisonment serves the ends of sentencing enumerated in 18 U.S.C.  
 18 § 3553(a), including punishment, deterrence, and protection of the public. Both American and Thai  
 19 children will be safer because of the defendant's incarceration. And his felony conviction and sentence  
 20 will send a message to other citizens who might think they can sexually abuse children abroad without  
 21 fear of facing justice here.

22 At the same time, the defendant deserves credit for quickly accepting responsibility and pleading  
 23 guilty. He agreed to recommend a sentence that will keep him in prison or on supervision until his early  
 24 seventies. He can get the therapy and rehabilitative services that he plainly needs during that time.

25 In view of all of these factors, 120 months is a sufficient but not greater than necessary term of  
 26 imprisonment.

27 **B. Supervised Release**

28 The parties and Probation Office agree that the Court should impose five years of supervised

1 release. The suspicionless search condition agreed to by the parties in the plea agreement should be part  
2 of the defendant's supervision. The government supports all of the other conditions of supervision  
3 proposed by the Probation Office.

4 **C. Special Assessment**

5 Defendant must pay a \$5,100 special assessment.

6 **IV. Conclusion**

7 The government respectfully recommends that the Court sentence the defendant to ten years of  
8 imprisonment and five years of supervised release.

9 DATED: August 17, 2016

BRIAN J. STRETCH

United States Attorney

11 /s/

12 PHILIP KOPCZYNSKI

13 Special Assistant United States Attorney